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In re Application of	:	
Campbell et al.	:	
Application No. 09/152,266	:	DECISION ON
Filing Date: 14 September 1998	:	
Atty. Docket No.: 540-127	:	PETITION UNDER
For: Integrated Circuits For Multi-	:	
Tasking Support In Single Or	:	37 CFR 1.137(b)
Multiple Processor Networks	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 14 September 1998.

### **BACKGROUND**

International application PCT/GB96/03125 was filed on 18 December 1996, and claimed an earliest priority date of 20 December 1995. The United States was designated. The International Bureau transmitted a copy of the published international application to the USPTO on 26 June 1997. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Accordingly, the 30 month period for paying the basic national fee in the United States expired as of midnight on 20 June 1998. The international application became abandoned with respect to the United States as of that time for failure to timely pay the basic national fee.

On 14 September 1998, applicant filed this United States application, number 09/152,266, under 35 U.S.C. 111. Concurrently, applicant filed the instant petition requesting revival of the international application with respect to the United States for purposes of establishing copendency of this United States application with the international application.

### **DISCUSSION**

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Requirement (1) for the required reply is considered satisfied by the filing of application number 09/152,266.

Requirement (2) has been satisfied by the payment of the required petition fee.

Regarding requirement (3), applicants' statement that "the above-identified National Phase of PCT/GB96/03125 was abandoned by virtue of unintentional delay in timely filing a Continuation from the PCT parent application" is being construed as a statement that "the entire delay in filing *the required* reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Concerning requirement (4), no terminal disclaimer is required in this case, since the international filing date of PCT/US97/24166 was later than 8 June 1995.

### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for purposes of establishing co-pendency between United States application number 09/152,266 and international application number PCT/GB96/03125. As co-pendency has been established, the international application is once again abandoned with respect to the United States.

This application is being returned to Technology Center 2100 for further proceedings.



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